

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

In the Matter of Permit 18863

License

Application 27455

(A) **Raymond H. Farrell**
P.O. Box 193
Drytown, CA 95699

(B) **Carlos Balbach and**
Marline Balbach
10234 Badger Creek Lane
Wilton, CA 95693

(C) **Stephen M. Concannon and**
Jamie M. Concannon
1603 Voorhees Circle
St. Helena, CA 94574

**ORDER DIRECTING ISSUANCE OF SEPARATE PERMITS/LICENCES,
AND REVOCATION OF ORIGINAL PERMIT/LICENSE**

SOURCE: Markham Ravine

COUNTY: Placer

WHEREAS:

1. Permit 18863 was issued to Raymond H. Farrell on April 12, 1983 pursuant to Application 27455.
2. A request for issuance of separate permits to cover permittee's respective use has been filed with the State Water Resources Control Board staff on June 27, 2000 and the SWRCB has determined that good cause for such change has been shown.
3. The permittee has subsequently divided the place of use into three separate parcels wherein he has retained Reservoirs No. 4 and 5 under his ownership, Reservoir No. 1 is transferred to the ownership of Carlos Balbach & Marline Balbach, and the proposed site for Reservoir No. 3 and the 40 acre place of use, are transferred to the ownership of Stephen Concannon & Jamie Concannon.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit 18863 is hereby replaced and superseded upon the issuance of Permit 18863A issued to Raymond H. Farrell, Permit 18863B issued to Carlos Balbach and Marline Balbach, and Permit 18863C issued to Stephen Concannon and Jamie Concannon.

2. Separate Permits be issued as follows:

A.	Permit:	18863A (Application 27455A)
	Owner:	Raymond H. Farrell
	Source:	Two unnamed streams tributary to Rancheria Creek thence Dry Creek Thence Mokelumne River in Amador County
	Use:	Wildlife Enhancement, Fire Protection, Recreation, and Stockwatering
	Storage:	11 acre-feet in Reservoir No. 4 and 2 acre-feet in Reservoir No. 5
	Amount:	13 acre-feet per annum
	Season:	November 1 to April 30
	Point(s) of Diversion:	Reservoir No. 4 within the NW¼ of SW¼ Section 27, T7N, R10E, MDB&M, (Cal Coord: N 279,000 and E 2,323,250) and Reservoir No. 5 within the SE¼ of SW¼ Section 27, T7N, R10E, MDB&M, (Cal Coord: N 278,300 and E 2324,600)
	Place of Use:	Reservoirs No. 4 and No. 5 located within the NW¼ of SW¼ and SE¼ of SW¼ of Section 27, T7N, R10E, MDB&M.
	Permit	18863B (Application 27455B)
	Owner:	Carlos Balbach Marline Balbach
	Source:	Unnamed Stream tributary to Dry Creek thence Mokelumne River
	Use:	Wildlife Enhancement, Fire protection, Recreation, and Stockwatering

Storage: 6 acre-feet
Maximum
Amount: 6 acre-feet per annum
Season: November 1 to April 30
Point of
Diversion: Reservoir No. 1 within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$,
Section 27, T7N, R10E, MDB&M,
(Cal Coord: N 281,400 and E 2,335,500)
Place of Use: Reservoir No. 1 within SW $\frac{1}{4}$ of NW $\frac{1}{4}$;
Section 27, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28,
T7N, R10E, MDB&M.

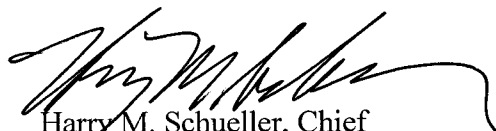
C. Permit: 18863C (Application 27455C)

Owner: Stephen M. Concannon and
Jamie M. Concannon
Source: Rancheria Creek tributary to
Dry Creek thence Mokelumne
River
Use: Wildlife Enhancement, Fire Protection,
Recreation, Stockwatering and Irrigation
Storage: 3 acre-feet
Maximum
Amount: 3 acre-feet per annum
Season: November 1 to April 30
Point of
Diversion: Reservoir No. 3 within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$
Section 28 T7N, R10E, MDB&M,
(Cal Coord: N 278,800 and E 2,322,800)
Place of Use: 40 acres within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of
Section 28, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Section 33, T7N, R10E, MDB&M.

3. Permits 18863A, 18863B and 18863C shall contain all other terms and conditions presently in Permit 18863 or updated terms to reflect for compliance with the SWRCB's policy.

Dated: OCT 13 2000

STATE WATER RESOURCES CONTROL BOARD


Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27455 PERMIT 18863 LICENSE _____

**ORDER TO APPROVE A NEW DEVELOPMENT SCHEDULE
AND AMEND THE PERMIT**

WHEREAS:

1. Permit 18863 was issued to Raymond H. Farrell on April 12, 1983 pursuant to Application 27455.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
4. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 1993 (0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 1994 (0000009)

3. Condition 12 of the permit be amended to read:

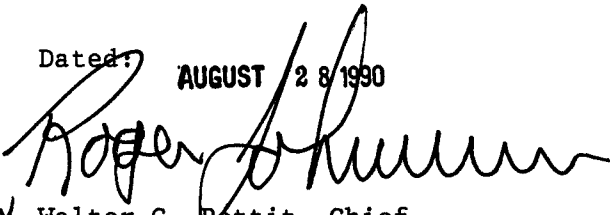
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces;

(5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: **AUGUST 28 1990**

for 
Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27455

PERMIT 18863

LICENSE _____

ORDER APPROVING A CHANGE IN PERMIT TERMS

WHEREAS:

1. Decision 1594 was adopted by the State Water Resources Control Board on November 17, 1983.
2. Order WR 84-2 Amending Decision 1594 was adopted by the State Water Resources Control Board on February 1, 1984.
3. The Decision and the Order set forth changes to be made in permits containing Standard Water Right Permit Term 80.

NOW, THEREFORE, IT IS ORDERED:

1. Standard Water Right Permit Term 80 is deleted from the permit.

Standard Water Right Permit Term 80 is worded as one of the following:

"The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing."

or

"The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to the results of a comprehensive analysis of the availability of unappropriated water in the [name of river basin or watershed]. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing."

2. Standard Water Right Permit Term 91 is deleted from the permit.

Standard Water Right Permit Term 91 reads as follows:

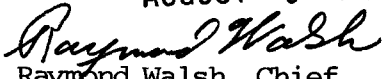
"No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- a. Inbasin entitlements are defined as rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.

- b. Supplemental Project water is defined as water imported to the basin by the Projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

"The Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators."

Dated: AUGUST 6 1984


Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18863

Application 27455 of Raymond H. Farrell

P.O. Box 193, Drytown, California 95699

filed on July 23, 1982, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

See Addendum 1

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
(1) North 18° East, 3225 feet from SW corner of Section 27	SW¼ of NW¼	27	7N	10E	MD
(2) North 5° East, 2160 feet from SW corner of Section 27	NW¼ of SW¼	27	7N	10E	MD
(3) North 12° West, 1260 feet from SE corner of Section 28	SE¼ of SE¼	28	7N	10E	MD
(4) North 12° East, 1575 feet from SW corner of Section 27	NW¼ of SW¼	27	7N	10E	MD
(5) North 70° East, 1670 feet from SW corner of Section 27	SE¼ of SW¼	27	7N	10E	MD

County of Amador

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
Wildlife Enhancement						
Fire Protection						
Recreational						
Stockwatering	Reservoir No. 1 in SW¼ of NW¼	27	7N	10E	MD	
	Reservoirs Nos. 2 and 4 in NW¼ of SW¼	27	7N	10E	MD	
	Reservoir No. 3 in SE¼ of SE¼	28	7N	10E	MD	
	Reservoir No. 5 in SE¼ of SW¼	27	7N	10E	MD	
Irrigation	SE¼ of SE¼	28	7N	10E	MD	15
	NE¼ of NE¼	33	7N	10E	MD	25
					Total	40

The place of use is shown on map filed with the State Water Resources Control Board.

ADDENDUM 1

1. Source:

Tributary to:

(1) Unnamed Stream	Dry Creek thence
	Mokelumne River
(2) Dry Creek	Mokelumne River
(3) Rancheria Creek	Dry Creek thence
	Mokelumne River
(4,5) Unnamed Streams (2)	Rancheria Creek thence
	Dry Creek thence
	Mokelumne River

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 25 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year as follows:

- (1) 6 acre-feet per annum in Reservoir No. 1
- (2) 3 acre-feet per annum in Reservoir No. 2
- (3) 3 acre-feet per annum in Reservoir No. 3
- (4) 11 acre-feet per annum in Reservoir No. 4
- (5) 2 acre-feet per annum in Reservoir No. 5

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 1, 1986. (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1987. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to the results of a comprehensive analysis of the availability of unappropriated water in the Mokelumne River Basin. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000094)

15. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Mokelumne River Basin are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

16. No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- A. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- B. Supplemental Project water is defined as water imported to the basin by the projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators. (0000091)

17. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board.

Failure of permittee to comply with this term will subject the permit to revocation, after opportunity for hearing. (0000100)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: APRIL 21 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
Chief, Division of Water Rights